

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 22, 2009

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No. 08-11111  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

GLORIA J BATES

Plaintiff-Appellant

v.

MICHAEL J ASTRUE, COMMISSIONER OF SOCIAL SECURITY

Defendant-Appellee

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:05-cv-00269

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Before DAVIS, GARZA, and PRADO, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Gloria J. Bates (“Bates”) appeals the Commissioner of Social Security’s denial of her application for disability insurance benefits and supplemental security income benefits. On review, “we consider only whether the Commissioner applied the proper legal standards and whether substantial evidence in the record supports the decision to deny benefits.” *Audler v. Astrue*, 501 F.3d 446, 447 (5th Cir. 2007); *see* 42 U.S.C. § 405(g). As Magistrate Judge

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Clinton E. Averitte's thorough Report and Recommendation explained, *see Bates v. Astrue*, No. 2:05-cv-0269, 2008 WL 4367287 (N.D. Tex. Sept. 24, 2008), the Administrative Law Judge ("ALJ") applied the proper legal standards, and the medical records from Doctors Plata and Saadeh provide substantial evidence to support the ALJ's finding that Bates was not disabled.

AFFIRMED.